

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 MCT-01 SY-05 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 ICA-11 IO-13 /085 W
-----049926 091217Z /53
R 091125Z MAY 78
FM USMISSION USBERLIN
TO SECSTATE WASHDC 6796
AMEMBASSY BONN

C O N F I D E N T I A L USBERLIN 1094

E.O. 11652: GDS
TAGS: PGOV, BQG, AKB, PORS
SUBJECT: REQUEST TO PERMIT ARMING OF PROSECUTORS AND JUDGES AT
LORENZ KIDNAPPING TRIAL IN BERLIN

REF: BONN 8474

1. WE AGREE FULLY WITH EMBASSY'S PROPOSED COURSE OF ACTION AND URGE ITS SUPPORT BY THE DEPARTMENT. WE WILL NOT RAISE THE MATTER AGAIN IN BERLIN PENDING OUTCOME OF THE TRIPARTITE MEETING IN BONN; WE FEAR THAT AN ADDITIONAL BERLIN DISCUSSION COULD AT THIS STAGE CREATE CONFUSION. WE WILL RESEARCH OUR QA FILES FOR RELEVANT INFORMATION, ALTHOUGH WE DOUBT THAT WE WILL FIND MUCH THAT BEARS ON THE SPECIFIC POINT OF ALLOWING A SMALL NUMBER OF ADDITIONAL OFFICIALS TO BEAR ARMS IN BERLIN. RE SELECTIVITY CRITERIA, WE DOUBT AT FIRST GLANCE THAT THERE WOULD BE MUCH TO BE GAINED BY CONSTRUCTING AN ARTIFICIAL EDIFICE PERMITTING CATEGORIES TO BE REGARDED AS OFFICIALS UNDER ACC ORDER NO. 2. WE BELIEVE THAT THIS MAY BE A CASE WHERE THE ALLIES SHOULD SIMPLY EXERCISE SOVEREIGNTY AND DECREE THAT THESE OFFICIALS, BECAUSE THEY ARE ESPECIALLY ENDANGERED, WILL BE PERMITTED TO BEAR ARMS UNDER ALLIED LEGISLATION IN FORCE HERE.

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2. JUSTICE OFFICIALS HERE, WE NOTE, ARE ALSO CONCERNED ABOUT THE SECURITY OF THE ASSIGNED DEFENSE COUNSEL, THE SO-CALLED PFLICHTVERTEIDIGER. THE JUNE 2 DEFENDANTS ARE INTENT UPON USING ANY MEANS AT THEIR DISPOSAL TO PREVENT THEIR TRIAL FROM PROCEEDING, AND THEY HAVE APPARENTLY RESORTED TO THREATENING THE DEFENSE COUNSEL ASSIGNED TO THEM BY THE COURT. IN RECENT DISCUSSIONS, JUSTICE

OFFICIALS HAVE POSED OUT LOUD THE QUESTION OF HOW FAR THE ASSIGNED DEFENSE COUNSEL ARE OBLIGATED TO CARRY OUT THE TASK ASSIGNED TO THEM IN THE FACE OF THREATS OF BODILY INJURY TO THEMSELVES AND THEIR FAMILIES. THE POINT MAY COME WHEN THE POLICE CONSIDER IT NECESSARY TO PROVIDE THEM WITH THE KIND OF PROTECTION GIVEN TO ENDANGERED PERSONS.

3. LIKE EMBASSY BONN, WE BELIEVE THE ARMING OF THIS SMALL NUMBER OF PERSONS ON A VOLUNTARY BASIS IS ESSENTIALLY A PRACTICAL POLITICAL QUESTION. THE LEGAL ASPECTS APPEAR MANAGEABLE. ON THE PRACTICAL SIDE, WE WOULD EXPECT TO OFFER OR PERHAPS REQUIRE TRAINING IN WEAPONS' USE BY SELECTED POLICE EXPERT TO ANY JUDGE OR PROSECUTOR WHO WISHED TO BE ARMED. GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: KIDNAPPING, SMALL ARMS, PHYSICAL SECURITY, POLICIES, JUDGES, TRIALS, TERRORISTS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USBERL01094
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780196-0227
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780576/aaaacngh.tel
Line Count: 77
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4afeb0a1-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 BONN 8474
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2743030
Secure: OPEN
Status: NATIVE
Subject: REQUEST TO PERMIT ARMING OF PROSECUTORS AND JUDGES AT LORENZ KIDNAPPING TRIAL IN BERLIN
TAGS: PGOV, PORS, WB, US, BQG, AKB
To: STATE BONN
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/4afeb0a1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014